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The Honorable Mary Kay Vyskocil
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: 1:24-cv-04980-MKV; Plaintiff's Third Request for an Extension of Time Within Which to Effectuate Service on Defendant

Dear Judge Vyskocil,

The James Law Firm, PLLC represents Plaintiff in the above captioned matter. This matter has been filed as a John Doe against the internet subscriber assigned the referenced IP address. Plaintiff respectfully requests an extension of the time within which to effectuate service on John Doe.

On July 1, 2024, Plaintiff filed the instant case against John Doe subscriber assigned IP address 108.46.35.194 claiming Defendant's direct infringement of Plaintiff's works through BitTorrent protocol.

On July 19, 2024, Plaintiff filed a Motion for Leave to Serve a Third-Party Subpoena Prior to a Rule 26(f) Conference ("Motion for Leave") in order to serve a third party subpoena on Defendant's ISP.

Pursuant to Fed. R. Civ. P. Rule 4(m), Plaintiff was originally required to effectuate service on the Defendant no later than September 29, 2024. Because Plaintiff's Motion for Leave was pending before the Court at that time, on September 30, 2024, Plaintiff filed its First Letter Motion for Extension of Time Within Which to Effectuate Service on John Doe Defendant ("First Letter Motion for Extension").

On September 30, 2024, the Court granted Plaintiff's First Letter Motion for Extension, extending the deadline to effect service of process to November 28, 2024.

On November 25, 2024, Plaintiff was granted leave to serve a third-party subpoena on Defendant's ISP to obtain Defendant's identifying information.

While preparing the third-party subpoena to the Defendant's ISP, Plaintiff noticed that the Court's November 25, 2024 Order [ECF No. 11] contained an error in the Defendant's IP address. The caption in the Order lists the Defendant's IP address as 108.46.35.14. The correct IP address should be 108.46.35.194.

On December 2, 2024, Plaintiff filed its Second Letter Motion for Extension of Time Within Which to Effectuate Service on John Doe Defendant ("Second Letter Motion for Extension").

On December 3, 2024, the Court granted Plaintiff's Second Letter Motion for Extension, extending the deadline to effect service of process to January 29, 2025.

On or about December 3, 2024, the Court issued a corrected Order, granting leave to serve a third-party subpoena on Defendant's ISP to obtain Defendant's identifying information. Plaintiff issued the subpoena on or about December 9, 2024 and, in accordance with the time allowances provided to both the Defendant and the ISP, expects to receive the ISP response on or about February 7, 2025.


Plaintiff respectfully requests that the deadline to effect service be extended for sixty (60) days from February 7, 2025 (the date Plaintiff expects to receive the ISP response), and thus the deadline to effect service be extended to April 8, 2025. This extension should allow Plaintiff time to receive the ISP response, to conduct a further investigation to assist in determining whether the individual identified by the ISP is the appropriate defendant for this action, and, if a good faith basis continues to exist, to proceed against that individual (or someone else), amend the Complaint to name the Defendant and attempt to effect service of process on that individual.

For the foregoing reasons, Plaintiff respectfully requests that the time within which it has to effectuate service of the summons and Amended Complaint on Defendant be extended to April 8, 2025.

This request is untimely. Plaintiff is admonished to review this Court's Individual Rules of Practice. Nevertheless, Defendants' request is HEREBY GRANTED.

Plaintiff is reminded that failure to comply with this Order or with any order of the Court or comply with the FRCP, the Local Rules for the SDNY or this Court's Individual Practice Rules, or other obligations may result in sanctions, including monetary penalties on counsel and/or the parties, dismissal or preclusion of claims, defenses, arguments, or evidence.
SO ORDERED.

Date: 1/30/2025
New York, New York


Mary Kay Vyskocil
United States District Judge

Respectfully Submitted,

By: /s/Jacqueline M. James
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